

1 RESOLUTION NO. 2016-461

2  
3 SPONSOR Ms. Shapiro

4  
5 DATE January 30, 2017

COMMITTEE Rules

6  
7 **A Resolution confirming the award by the Board of Control of Change Order No. 4 to a**  
8 **professional service contract with Roetzel and Andress, LPA to provide legal**  
9 **representation and services to the County of Summit related to a lawsuit, Lyn Watters v.**  
10 **Summit County, Ohio, et al., in an amount not to exceed \$7,510.00 (430.04% cumulative**  
11 **increase), for a total amount not to exceed \$132,510.00, for the Executive's Department of**  
12 **Law, Insurance and Risk Management, and declaring an emergency.**

13  
14 WHEREAS, the Board of Control previously adopted Directive No. 291-14, which  
15 awarded a professional service contract with Roetzel and Andress, LPA to provide legal  
16 representation and services to the County of Summit related to a lawsuit, Lyn Watters v. Summit  
17 County, Ohio, et al., Case No. 5:14-CV-2390, before Magistrate Judge George J. Limbert in the  
18 United States District Court for the Northern District of Ohio (the "Lawsuit"), in an amount not  
19 to exceed \$25,000.00; and

20  
21 WHEREAS, County Council previously adopted Resolution No. 2015-141, which  
22 confirmed the award by the Board of Control of Change Order No. 1 to the aforementioned  
23 professional service contract, in an amount not to exceed \$25,000.00 (for an increase of 100%),  
24 for a total amount not to exceed \$50,000.00; and

25  
26 WHEREAS, Council also previously adopted Resolution No. 2015-350, which confirmed  
27 the award by the Board of Control of Change Order No. 2 to the aforementioned professional  
28 service contract, in an amount not to exceed \$25,000.00 (200% cumulative increase), for a total  
29 amount not to exceed \$75,000.00; and

30  
31 WHEREAS, Council also previously adopted Resolution No. 2016-133, which confirmed  
32 the award by the Board of Control of Change Order No. 3 to the aforementioned professional  
33 service contract, in an amount not to exceed \$50,000.00 (400% cumulative increase), for a total  
34 amount not to exceed \$125,000.00; and

35  
36 WHEREAS, Council also previously adopted Resolution No. 2016-351, which  
37 authorized the County Executive to execute a settlement agreement, in an amount not to exceed  
38 \$5,000.00, to settle all claims arising out of or concerning issues raised in the Lawsuit; and

39  
40 WHEREAS, there are outstanding costs related to the legal representation and services  
41 provided to the County by Roetzel and Andress, LPA, in an amount not to exceed \$7,510.00,  
42 which requires Change Order No. 4 to the aforementioned professional service contract; and

43  
44 WHEREAS, the Board of Control, at its December 7, 2016 meeting, awarded Change  
45 Order No. 4 to the aforementioned professional service contract, in an amount not to exceed  
46 \$7,510.00 (430.04% cumulative increase), for a total amount not to exceed \$132,510.00, subject  
47 to confirmation by County Council; and

48  
49 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
50 that it is necessary and in the best interest of the County of Summit to confirm the award by the  
51 Board of Control of Change Order No. 4 to the aforementioned professional service contract  
52 with Roetzel and Andress, LPA, in an amount not to exceed \$7,510.00;

Voice Vote: YES 11-0 Crawford, Dickinson, Donofrio, Feeman, Hamilton, Koehler, Prentice, Rodgers, Schmidt, Walters, Wilhite

1 RESOLUTION NO. 2016-461

2 PAGE TWO

3  
4 NOW, THEREFORE, BE IT RESOLVED, by the Council of the County of Summit,  
5 that:

6  
7 SECTION 1

8  
9 The award by the Board of Control of Change Order No. 4 to a professional service  
10 contract with Roetzel and Andress, LPA to provide legal representation and services to the  
11 County of Summit related to a lawsuit, Lyn Watters v. Summit County, Ohio, et al., Case No.  
12 5:14-CV-2390, before Magistrate Judge George J. Limbert in the United States District Court for  
13 the Northern District of Ohio (the "Lawsuit"), in an amount not to exceed \$7,510.00 (430.04%  
14 cumulative increase), for a total amount not to exceed \$132,510.00, is hereby confirmed and the  
15 County Executive is hereby authorized to execute said Change Order No. 4 and any other  
16 necessary related documents.

17  
18 SECTION 2

19  
20 This Resolution is hereby declared to be an emergency in the interest of the health, safety  
21 and welfare of the citizens of the County of Summit and for the further reason that it is necessary  
22 to immediately confirm Change Order No. 4 to a necessary professional service contract with  
23 Roetzel and Andress, LPA to address outstanding costs related to legal representation and  
24 services provided to the County by Roetzel and Andress, LPA in the Lawsuit.

25  
26 SECTION 3

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28 Provided this Resolution receives the affirmative vote of eight members, it shall take  
29 effect immediately upon its adoption and approval by the Executive; otherwise it shall take effect  
30 and be in force at the earliest time provided by law.


31  
32 SECTION 4

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34 It is found and determined that all formal actions of this Council concerning and relating  
35 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
36 deliberations of this Council and any of its committees that resulted in such formal action were in  
37 meetings open to the public, in compliance with legal requirements, including Section 121.22 of  
38 the Ohio Revised Code.


39  
40 INTRODUCED December 12, 2016

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42 ADOPTED January 30, 2017

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45 CLERK OF COUNCIL

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PRESIDENT OF COUNCIL

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47 APPROVED January 31, 2017

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50 EXECUTIVE

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52 ENACTED EFFECTIVE January 31, 2017